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EXAMINER

KE, PENG

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,099

Applicant(s)

KNIGHT, TIMOTHY ORR

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-52 and 91-145 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 42-52 and 91-145 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42-45, 48-52, 91-94, 98-101, 105-108, 110, 111, 113-123, 126, 127, 129, 131-134, 136, 140-143 are rejected under 35 U.S.C. 102(b) as being anticipated by Manghirmalani et al. (US 5,819,028)

As per claim 42, Manghirmalani et al. teaches an electronic interface for collecting information for a data picture, the interface comprising:

a data palette providing a set of data parameters available for selection, said set of data parameters including at least some in text form corresponding to predefined statements concerning an action and/or a transaction (col. 12, lines 1-15); and

a data canvas, separate from said data palette, on which a selected set of one or more of said set of data parameters can be displayed and arranged arbitrarily by a user to generate the data picture (col. 12, lines 16-45); and

wherein the data picture can be based on a graphical arrangement of a selected group of said predefined statements collected from the user and pertaining to the user's perceptions concerning said action and/or said transaction (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15).

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As per claim 43, Manghirmalani et al. teaches the interface of claim 42, wherein said selected set of data parameters are selected and moved by such user to a gradient on said data canvas by physically manipulating an electronic pointing device (col. 12, lines 16-45).

As per claim 44, Manghirmalani et al. teaches the interface of claim 42, wherein the data picture is generated using a single data capture screen including said data palette and said data canvas (fig. 13, 1307-1320).

As per claim 45, Manghirmalani et al. teaches the interface of claim 42, wherein the data picture is translatable into one or more electronic records including numeric data values, but said data picture is generated without numeric data input by the user (col. 13, lines 1-20, col. 6, lines 32-55).

As per claim 48, Manghirmalani et al. teaches the interface of claim 47, further wherein said data canvas conveys visible feedback information when the user is arranging said selected set of data parameters (col. 12, lines 46-68).

As per claim 49, Manghirmalani et al. teaches the interface of claim 42, wherein said set of data parameters include factors associated with lessons learned by a user concerning such action and/or transaction (col. 12, lines 16-46).

As per claim 50, Manghirmalani et al. teaches the interface of claim 42, wherein said interface also provides a visual comparison between data in said data picture and other data pictures (fig 13, fig 14).

As per claim 51, Manghirmalani et al. teaches the interface of claim 42, wherein said interface also provides visual feedback to such operator based on an evaluation of said data in the data picture (col. 12, lines 46-68).

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As per claim 52, Manghirmalani et al. teaches the interface of claim 42, wherein said set of parameters can be customized by the user (col. 12, lines 16-46)

As per claim 91, Manghirmalani et al. teaches a method of generating a data picture using a computer program, the method comprising the steps of:

providing a data palette, said palette including a set of data parameters available for selection by a user of the program, such that said set of data parameters includes at least some. In text form corresponding to predefined statements concerning an action and/or a transaction (fig. 12, col. 12, lines 15-46); and

providing a data canvas, separate from said data palette, on which selected data parameters can be displayed, and arranged arbitrarily by said user to generate the data picture (fig. 12, col. 12, lines 15-46); and

wherein the data picture can be based on a graphical arrangement of a selected group of said predefined statements collected from said user and pertaining to the user's mental impressions concerning said action and/or said transaction (fig. 12, col. 12, lines 15-46).

As per claim 92, Manghirmalani et al. teaches the method of claim 91, wherein all information collected from said user is captured using a single data picture (fig. 13, col. 12, lines 46-68).

As per claim 93, Manghirmalani et al. teaches the method of claim 91, wherein all information for the data picture is captured during a data collection session using a single data collection screen (fig. 13, col. 12, lines 46-68).

As per claim 94, Manghirmalani et al. teaches the method of claim 91, wherein the data picture is stored as part of a transaction record which includes numeric data values, but the data

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picture is generated without numeric data input by the user (fig 13, col. 12, lines 46-48; It is inherent that the numeric data illustrated by the graph is not input by the user).

As per claim 98, Manghirmalani et al. teaches the method of claim 91, further including a step of providing visual feedback based on an evaluation of the data picture to present the user with a visual output depicting an expected outcome of said action and/or said transaction based on the data picture (fig. 13. items 1307a-c col. 12, line 47-68; Examiner interrupts the visual indicator to be visual feedback.).

As per claim 99, it rejected with the same rationale as claim 91. (see rejection above)

As per claim 100, which is dependent on claim 99, it is of the same scope as claim 92. (see rejection above)

As per claim 101, which is dependent on claim 99, it is of the same scope as claim 93. (see rejection above)

As per claim 105, which is dependent on claim 99, it is of the same scope as claim 98. (see rejection above)

As per claim 106, Manghirmalani teaches a method of capturing data concerning an actual or proposed transaction from a user of a computing system, said system including at least a keyboard and pointing device for inputting data, the method comprising the steps of:

providing a set of a plurality of individual assertions, said assertions being associated with mental impressions of the user relating to the transaction (col. 12, lines 1-47; Examiner interrupts the formula that is used by the administrator to be the mental impressions that administrator has for determining health of the system base on the data); and

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displaying said set of assertions to the user in a first portion of a visible electronic interface (col. 12, lines 1-47; Examiner interrupts MIB object meters to be assertions); and

permitting the user to select and move selected assertions taken from said set of assertions to a second, separate portion of said visible interface, which second separate portion acts to display such selected assertions along a visible gradient (col. 12, lines 16-20; It is inherent that the same MIB objects can be used in different formula); and

permitting the user to arrange said selected assertions in a ranking order relative to each other along said visible gradient to create a data picture (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data);

wherein the data is collected from said user substantially without input from the keyboard, and said data picture is calculated based only on those selected assertions from the user (col. 5, lines 38-63).

As per claim 107, Manghirmalani teaches the method of claim 106, further wherein all information collected from said user for the actual and/or proposed transaction is captured using said set of assertions (col. 6, lines 1-8).

As per claim 108, which is dependent on claim 106, it is of the same scope as claim 92. (see rejection above)

As per claim 110, Manghirmalani teaches the method of claim 106, further including a step of providing a visual comparison between the data picture and data collected from said user during a prior data capture session (fig. 14, items 1401-1403).

As per claim 111, it is rejected with same rationale as claim 106. (see rejection above)

As per claim 113, Manghirmalani teaches the method of claim 111, further including a step of providing a gradient visible to the user for assisting in the ranking of said selected assertions (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

As per claim 114, Manghirmalani teaches the method of claim. 111, further including a step of providing visible feedback information when the user arranges said selected assertions (fig. 13, item 1304).

As per claim 115, Manghirmalani teaches the method of claim. 111, wherein said palette of individual assertions include statements associated with lessons learned by a user concerning such action and/or transaction (Fig. 4, item “item 404”; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 116, Manghirmalani teaches the method of claim 115, further including a step of retrieving and modifying any of said lessons associated with the user input data at a later time.

As per claim 117, Manghirmalani teaches the method of claim 111, wherein said palette of individual assertions can be customized at least in part by the user (fig 12, item 1203; col. 12, lines 1-47).

As per claim 118, Manghirmalani teaches the method of claim 111, further including a step of providing a visual comparison between the user input data and program data collected from said user during a prior session.

As per claim 119, which is dependent on claim 111, it is of the same scope as claim 98. (see rejection above)

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As per claim 120, which is dependent on claim 111, it is of the same scope as claim 93.
(see rejection above)

As per claim 121, Manghirmalani teaches a method of capturing input data from a user within an electronic interface comprising the steps of:

(a) providing a menu within the interface for presenting a set of data parameters to the user (fig. 12, item 1204); and

(b) providing a canvas within the interface for creating a data record based on said set of data parameters (fig. 12, items 1208-1213); and

(c) moving a selected data parameter from set of data parameters to said canvas (fig. 12, items 1208-1213); and

(d) arranging said selected data parameter on said canvas so as to indicate a corresponding weighting factor to be associated with said selected data parameter (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data); and

(e) repeating steps (c) and (d) to capture the input data; wherein said data record is generated based on any selected data parameters and their associated weighting factors (fig. 13, items 1301-1303; It is inherent for the monitoring system to constantly update the status of the network with most recently data).

As per claim 122, Manghirmalani teaches the method of claim 121, wherein said data record is used as a query to locate additional information for the user (fig. 14, items 1401-1403).

As per claim 123, Manghirmalani teaches the method of claim 121, wherein said data record is compared against other data records and a visual analysis is presented to the user (fig.

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14, items 1401-1403; It is inherent that the health data, the load data, and the error data are being compared against each other).

As per claim 126, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 127, Manghirmalani et al. teaches the method of claim 126, wherein said feedback information includes:

- (a) a set of data records correlating with said input data (col. 12, lines 1-15);
- (b) a list of proposed options based on said input data (col. 12, lines 1-15);
- (c) changes in an appearance of said data interface (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15); and/or
- (d) a prediction of expected financial return based on input data;
- (e) a financial performance associated with transactions using said input data.

As per claim 129, Manghirmalani teaches the method of claim 106, wherein said data parameters correspond to reasons, motivations or perceptions concerning a transaction and/or action by the user (Fig. 4, item "item 404"; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 131, it is rejected with the same rationale as claim 106. (see rejection above)

AS per claim 132, Manghirmalani teaches the method of claim 131, wherein said feedback includes a chart and/or graph (fig. 14, item 1401-1403).

As per claim 133, Manghirmalani teaches the method of claim 152, wherein said feedback includes a proposed model set of data records and weighting factors (col. 7, lines 60-67).

As per claim 134, Manghirmalani teaches the method of claim 131, wherein said feedback includes a prediction associated with using said one or more of data records (Fig. 12, item 1202).

As per claim 136, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 140, which is dependent on claim 138, it is of the same scope of 45. (see rejection above)

As per claim 141, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 142, Manghirmalani teaches the data picture of claim 141, wherein a collection of data picture records are grouped for said action and/or transaction (col. 7, lines 55-68, col. 8, lines 1-8).

As per claim 143, Manghirmalani teaches the data picture of claim 142, wherein said collection data picture records include data picture records created before said action and/or transaction, and data picture records created after said action and/or transaction (fig. 14, item 1401-1403).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46, 47, 95-97, 102-104, 109, 112, 124, 125, 130, 135, 144, 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Ferguson et al. (US 6,064,984).

As per claim 46, Manghirmalani et al. teaches the interface of claim 45. However, he fails to teach wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas.

Ferguson et al. teaches wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas. (col. 8, lines 46-64)

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani et al. in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 47, Manghirmalani et al. teaches the interface of claim 42. However, he fails to teach wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas.

Ferguson et al. teaches wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas (col. 12, lines 16-54;

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Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani et al. in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 95, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 96, which is dependent on claim 91, it is of the same scope as claim 47. (see rejection above)

As per claim 97, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 102, which is dependent on claim 99, it is of the same scope as claim 46. (see rejection above)

As per claim 103, Manghirmalani et al teaches the interface of claim 99. However he fails to teach the interface further includes a step of permitting said user to rank said personalized individual assertions on said data canvas.

Ferguson et al. teaches a step of permitting said user to rank said personalized individual assertions on said data canvas (col. 12, lines 16-54; Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

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It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani et al. in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 104, which is dependent on claim 103, it is of the same scope as claim 46.
(see rejection above)

As per claim 109, which is dependent on claim 106, it is of the same scope as claim 47.
(see rejection above)

As per claim 112, which is dependent on claim 111, it is of the same scope as claim 46.
(see rejection above)

As per claim 124, which is dependent on claim 121, it is of the same scope as claim 46.
(see rejection above)

As per claim 125, which is dependent on claim 124, it is of the same scope as claim 47.
(see rejection above)

As per claim 130, which is dependent on claim 126, it is of the same scope as claim 46.
(see rejection above)

As per claim 144, which is dependent on claim 141, it is of the same scope as claim 46.
(see rejection above)

As per claim 145, which is dependent on claim 144, it is of the same scope as claim 47.
(see rejection above)

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As per claim 135, Manghirmalani teaches the method of claim 111. However, he fails to teach wherein said feedback includes a financial performance associated with using said one or more data records.

Ferguson et al. teaches a method wherein said feedback includes a financial performance associated with using said one or more data records (col. 8, lines 46-64).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani et al. in order to provide user with the ability to see the possible results of different hypothetical scenarios.

Claims 138 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Black et al. (US 6,012,042).

As per claim 138, Manghirmalani teaches the method of claim 136. However, he fails to teaches the method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security.

Black et al. teaches a method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security (col. 10, lines 16-36).

It would have been obvious to an artisan at the time of the invention to include Black's teaching with method of Manghirmalani et al. in order to provide user with the ability to set up alert for financial events.

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As per claim 139, Manghirmalani and Black teaches the method of claim 138. Black further teaches the method including a step (d): providing feedback to the user to indicate a financial performance associated with said trading of said security (col. 10, lines 16-36).

Claims 137 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Wren. (US 6,055,514)

As per claim 137, Manghirmalani teaches the method of claim 136. However, he fails to teach wherein said first data picture is not alterable after it is created.

Wren teaches a method the where the data picture is stored permanently (col. 4, lines 42-65).

It would have been obvious to an artisan at the time of the invention to include Wren's teaching with method of Manghirmalani et al. in order to provide user with the ability to review the data later.

Claims 128 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Richards (US 6,539,361).

As per claim 128, Manghirmalani et al. teaches the method of claim 126. However, he fails to teach wherein said data input session is conducted using a Java - applet operating within an Internet browser.

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Richards et al. teaches a method data input session is conducted using a Java - applet operating within an Internet browser (col. 23, lines 30-40).

It would have been obvious to an artisan at the time of the invention to include Richards' teaching with method of Manghirmalani et al. in order to provide user with the ability to access the Internet.

Conclusion

The following patents are cited to further show the state of the art with respect to data evaluation system:

Lupien et al. (US 5,845,266) discloses a crossing network utilizing satisfaction density profile with price discovery features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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